REMARKS

The Office Action dated January 7, 2009 has been fully considered by the Applicant.

Enclosed is a Request for Continued Examination and a check in the amount of $810 in payment of the government fee.

Claims 1-2, 5-6, 8, 11 and 12 are currently amended. Support for the amendments can be found throughout Applicant's specification and in particular the last paragraph of Page 4; Page 10, first paragraph; and Page 11, lines 23-31. Claims 7, 9 and 10 have been previously presented. Claims 3 and 4 have been canceled.

Claims 1 and 11 have been objected to because of informalities. Claims 1 and 11 have been currently amended to correct such informalities.

Claims 1, 2 and 5-12 rejected under 35 USC §103(a) as being unpatentable over United States Patent No. 6,445,738 to Zdepski et al in view of United States Patent No. 5,799,128 to Van Den Enden are herein traversed.

Independent claim 1 has been amended to include the step of pre-filling a buffer memory in the apparatus with a first threshold level of video data prior to decoding the video data. In addition, the claim has been amended to clarify that following the user selection of the altered format, changing the required level of video data to be held in the buffer memory for the altered format to a second threshold level; and wherein the second threshold level substantially accommodates no more video data than that corresponding to a single I frame, plus a small tolerance percentage value.

Applicant believes the currently amended independent method claim 1 is not taught or suggested in the cited references and respectfully requests reconsideration of the rejection.

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The Ven Den Enden 5,799,128 patent describes a system of receiving video data by separating the I frames from the B/P frames into two different tracks, although if either track has insufficient buffering, frames designated for the other track can be used to fill in the gaps. Thus, to enable a trick mode such as fast-forward, the track containing I-frames only may be played (Fig. 18).

It appears that Examiner Shang has interpreted the memory 140 as a buffer of a size for a single I-frame, which memory is utilized in the playback of the data blocks making up the frames. As such, the Examiner has deemed the claims to be obvious in light of the United States Patent No. 6,445,738 to Zdepski, which describes generation of a trick mode, such as fast forward, by extracting I-frames, and United States Patent 5,799,128 to Ven Den Enden, which according to the Examiner indicates a buffer level corresponding to a single I frame.

However, there does not appear to be any suggestion or teaching of changing the threshold level of video data required within the buffer before playback can commence when trick mode is enabled, as in Applicant's currently amended claim 1.

In addition, Applicant's claim 1 has been amended to clarify that the trick mode threshold level may be slightly higher than the size of a single I-frame so that tolerance for frame-to-frame variations is included. Furthermore, the type of data stored in the buffer has been clarified as video data corresponding to an I-frame. Applicant sincerely believes that these clarifications overcome the Examiner's objections at point 1 of the Office Action.

In summary, the combination of Zdepski and Van Den Enden taken together, do not disclose the subject matter of claim 1. The Applicant believes that currently amended independent claim 1, along with dependent claims 2, and 5-10, is patentable over the cited references and therefore respectfully requests reconsideration of the rejection.

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Independent method claim 11 has been currently amended to clarify use of the value as a replacement value to indicate a new threshold level of data to be held in a buffer memory device prior to the commencement of the decoding and to further clarify that the new threshold level of data is substantially no more than corresponding to the single largest frame in the video data bitstream plus a small tolerance percentage value.
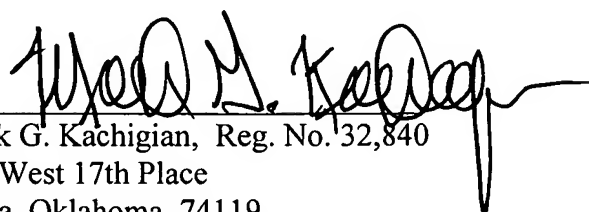
As set forth above with respect to claim 1, these features are not taught or suggested in the '738 Zdepski et al patent or in the '128 Van Den Enden patent. Therefore, Applicant believes that currently amended claim 11, along with dependent claim 12, is patentable over the cited references and respectfully requests reconsideration of the rejection.

It is believed that the application is now in condition for allowance and such action is earnestly solicited. If any further issues remain, a telephone conference with the Examiner is requested. If any further fees are associated with this action, please charge Deposit Account No. 08-1500.

Respectfully Submitted

HEAD, JOHNSON & KACHIGIAN

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BY:_____
Mark G. Kachigian, Reg. No. 32,840
228 West 17th Place
Tulsa, Oklahoma 74119
(918) 587-2000
Attorneys for Applicant